## REMARKS

By the above amendment, minor informalities in the specification have been corrected with the specification being amended to utilize language corresponding to that utilized in independent claims 1 and 13, which have been amended to include amendments to overcome the objection of claim 1, as noted by the Examiner. Additionally, new dependent claims 14 - 17 have been presented, which recite further features of the present invention, as will be discussed below.

The indication that claims 9 and 11 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims, is acknowledged. Applicants note that claims 9 and 11 have been retained in dependent form at this time, since the parent claims are considered to patentably distinguish over the cited art, as will become clear from the following discussion.

As to the rejection of claims 1 - 8, 10, 12 and 13 under 35 USC 102(e) as being anticipated by Aziz et al (US 2004/00836869 A1), such rejection is traversed, insofar as it is applicable to the present claims, and reconsideration and withdrawal of the rejection are respectfully requested.

As to the requirements to support a rejection under 35 USC 102, reference is made to the decision of In re Robertson, 49 USPQ 2d 1949 (Fed. Cir. 1999), wherein the court pointed out that anticipation under 35 U.S.C. §102 requires that each and every element as set forth in the claim is found, either expressly or inherently described in a single prior art reference. As noted by the court, if the prior art reference does not expressly set forth a particular element of the claim, that reference still may anticipate if the element is "inherent" in its disclosure. To establish inherency, the extrinsic evidence "must make clear that the missing

descriptive matter is necessarily present in the thing described in the reference, and that it would be so recognized by persons of ordinary skill." Moreover, the court pointed out that inherency, however, may not be established by probabilities or possibilities. The mere fact that a certain thing may result from a given set of circumstances is not sufficient.

Before discussing the inapplicability of Aziz et al to the claimed invention, applicants note that as described at pages 1 - 3 of the specification, while conventional miter saws utilize laser oscillators, problems occur in viewing from the front side of the miter saw, a line projected onto a workpiece to be cut, depending upon the shape of the workpiece or other factors. That is, as described in the paragraph bridging pages 2 and 3 of the specification, to align the blade 721 with the line marker M2 or M3, as illustrated in Fig. 18, the user of the miter saw needs to walk around to the back of the miter saw and bow or stoop his head to see both the line marker M2 or M3 and the laser beam at the rear vertical side of the workpiece W, which would be troublesome, and which lowers the efficiency of cutting of the workpiece. Accordingly, as indicated in the "Summary of the Invention" an object of the present invention is to provide a miter saw with which a user can align the laser beam with the cutting line marker marked on the side of a workpiece facing with the fence without changing a cast or eye of the user standing in front of the miter saw, and without walking around to the back of the miter saw, for observing the marked side of the workpiece. As shown in Fig. 1 of the drawings of this application, the present invention utilizes a mirror 50 having a reflective surface, as shown in Fig. 6, for example, in which the light from the laser oscillator is projected through an opening 50d thereof, such that it is apparent that the light from the laser oscillator is directly impinged on the workpiece W so as to form a projected line thereon, and the

mirror 50, which is provided at a position in confrontation with the side of the workpiece W in abutting contact with the abutment surface 3A of the fence 3, reflects the projected line which is projected on the side of the workpiece in abutting contact with the abutment surface of the fence, and allows a reflected line image of the projected line on the abutting contact side of the workpiece to be observed from a side of the abutment surface 3A of the fence, as is apparent from the illustration of Fig. 1 of the drawings of this application. Applicants note that such features are recited in independent claim 1 and the dependent claims thereof.

It is noted that, as shown in Figs. 2 and 3 of the drawings of this application, the miter saw, in relation to the fence, includes a blade guide 14 delimiting a slit S which extends in the diametrical direction of the table section 11, and allows the circular blade tip to be entered therein. The rear end of the slit S is generally not viewable from the front side of the miter saw, and, in particular, would not be viewable when a workpiece is positioned against the abutment surface of the fence. In accordance with the present invention, as recited in independent claim 13 and the dependent claims thereof, a mirror is provided at a position in confrontation with the side of the workpiece in abutting contact with the abutment surface of the fence for reflecting the rear end of the slit, and for enabling a reflected image of the rear end of the slit to be observed from a side of the abutment surface of the fence.

Thus, the present invention provides a mirror which enables a reflected image of a line which is projected on the workpiece and/or a reflected image of the rear surface of the slit of the blade guide to be viewed therein from the front side of the miter saw, thereby enabling proper alignment or viewing for desired cutting, as well as improved efficiency in cutting. Further, it is apparent that the reflective surface of the mirror is not a curved surface, but rather a planar surface, as illustrated, and light

from a light source does not directly impinge on the reflective surface. Applicants submit that the independent and dependent claims of this application have been amended to clarify the aforementioned features, and such features are not disclosed or taught in the cited art, as will become clear from the following discussion.

Turning to Aziz et al, irrespective of this reference disclosing the utilization of a reflector 18 in conjunction with a beam of light 16 from a light beam source 14 in combination with a rotary saw, as described in paragraph [0026], "The beam of light 16 is preferably co-planar with the reflector 18 and directed to impact the forward portion of the reflector, which acts as a beam spreading divergent lens". (emphasis added). That is, as described in [0027], "The reflector 18 provides a point of divergence 26 for the beam of light 16 such that the beam of light 16 is spread to a guideline 24 and projected onto the workpiece 22, indicating a coplanar cut line for the blade 12." Thus, in accordance with the disclosure and teaching of Aziz et al, the reflector 18 is directly in the path of the light beam 16, which light beam 16 directly impinges on the reflector 18, and the reflector 18 serves for forming the projected line 24 on the workpiece. As indicated in the abstract of Aziz et al, the reflector acts as a curved mirror to fan the beam of light creating a guide line coplanar with the rotary component or blade of the rotary saw. Irrespective of the position set forth by the Examiner, it is readily apparent that the mirror 18 of Aziz et al is not arranged to permit a reflected image to be observed from a front side of the saw, and in particular, applicants submit that Aziz et al does not disclose in the sense of 35 USC 102 or teach in the sense of 35 USC 103, the recited feature of claim 1, as amended of "a mirror provided at a position in confrontation with the side of the workpiece in abutting contact with the abutment surface of the fence for reflecting the projected line which is projected on the side of the workpiece which is in abutting contact with

the abutment surface of the fence and for allowing a reflected line image of the projected line on the abutting contact side of the workpiece to be observed from a side of the abutment surface of the fence" (emphasis added), or, as recited in claim 13 "a mirror provided at a position in confrontation with the side of the workpiece in abutting contact with the abutment surface of the fence for reflecting the rear end of the slit and for enabling a reflected image of the rear end of the slit to be observed from a side of the abutment surface of the fence" (emphasis added) as recited in claim 13. Thus, applicants submit that independent claims 1 and 13 and the dependent claims patentably distinguish over Aziz et al in the sense of 35 USC 102 and should be considered allowable thereover.

With respect to the dependent claims 2 - 8 and 10 - 12 as well as newly added dependent claims 14 - 17, applicants note that such claims recite further features of the present invention, which when considered in conjunction with parent claims 1 and 13 further patentably distinguish over Aziz et al. More particularly, new dependent claim 14 recites the feature that the mirror is arranged at a position so that light from the light projecting device does not directly impinge thereon, which is directly contrary to the disclosure and teaching of Azis et al. Furthermore, it is apparent that Aziz et al provides no disclosure or teaching of the reflector 18 thereof providing a reflective image of the rear end of the slit so as to enable observation of the rear end of the slit from the front side of the miter saw as more particularly set forth in dependent claims 15 to 17, for example. Thus, applicants submit that the dependent claims further patentably distinguish over Aziz et al and should be considered allowable at this time.

In view of the above amendments and remarks, applicants submit that all claims present in this application patentably distinguish over the cited art and should

now be in condition for allowance, and an action of favorable nature is courteously solicited.

To the extent necessary, applicants petition for an extension of time under 37 CFR 1.136. Please charge any shortage in the fees due in connection with the filing of this paper, including extension of time fees, to the deposit account of Antonelli, Terry, Stout & Kraus, LLP, Deposit Account No. 01-2135 (Case: 1297.43489X00), and please credit any excess fees to such deposit account.

Respectfully submitted,

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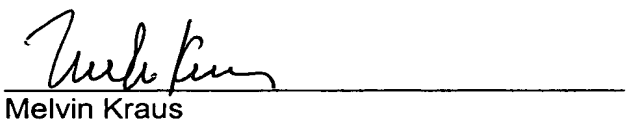

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